

Present: Chair Joseph Cardello, Bruce Santa Anna, Ed Magill, Dr. Lucien Benoit, John Flaherty, John Czyzewicz, John O'Donnell. Also present: Town Planner Michael Phillips and Assistant Town Solicitor Bob Rossi.

The Chair called the meeting to order at 7:00 p.m.

I. Dowling Village request for extension of Master Plan approval

The Chair moved agenda item IV to item I. Attorney Michael Kelly, representing Dowling Village requested a one-year extension for Master Plan approval for Phases II & III of Dowling Village. Phase I was approved in the Fall 2006. Construction on Phase I has commenced. Mr. Kelly stated that due to the magnitude of the project, including issues with DOT and DEM, the applicant would like to extend the Master Plan deadline from July 1, 2007 to July 1, 2008. Written request was submitted to the Town Planner on May 30, 2007. The applicant has submitted applications to the DEM and DOT and is currently waiting for review, preliminary comments, and feedback.

Mr. Phillips stated that two prior extensions have been granted and the applicant is currently working on the project. The chair asked if a workshop could be scheduled for July to update the Board on progress on the project. Dr. Benoit made a motion to grant a one-year extension on Master Plan approval for Dowling Village. Mr. Czyzewicz seconded the motion, with all members voting in favor.

Motion passed 5-0.

II. Approval of Minutes –May 31, 2007

Mr. O'Donnell made a motion to approve the minutes of May 31, 2007.

Mr. Santa Anna seconded the motion, with all in favor.

III. Ordinance Review

a. Planned Corporate – Floating Zone

Scott Gibbs of New England Economic Development Services presented the concept of a planned corporate zone. Details of the design parameters were submitted to the Board members. This zoning district is intended for master planned business developments for light industrial uses that accommodate a variety of manufacturing activities. The Planned Corporate Zone would be a “floating zone,” meaning it could be located anywhere in town that fits the design parameters, including, among many others, access via a state road within 0.5 mile of a limited access highway, serviced with municipal sewer and water services, and all roads include pedestrian sidewalks on one side of the road. The design parameters also include many prohibited uses in such a zone. Main incentives in having a planned corporate zone include 1) all developments in the zone are eligible for property tax stabilization, and 2) all developments in the zone are eligible for expedited local permitting.

Mr. Gibbs stated that the Planned Corporate Zone is for any area in

town that meets the ordinance, regardless of the current zone. He stated that this is reflective of an approach that many communities are taking now. The zone could abut a residential or a retail zone, but the vision is for no residential or retail to be included within the Planned Corporate Zone.

Mr. Phillips stated that the Planned Corporate Zone stems from dialogue from the Comprehensive Plan public hearing process. The design parameters will provide a level of comfort in deciding to

apply the zone to an area. Mr. Phillips also stated that the Planning Board can provide feedback to the Ordinance Review Committee.

Mr. Flaherty stated that this is a good proactive step for the town. He likes that it is a transparent process—the criteria is laid out in the ordinance.

The Chair was concerned about the limited access highway requirement. He feels this could be restrictive since it would only apply to areas close to Route 146.

Dr. Benoit asked if the Town Council would need to approve such a zone. Mr. Phillips stated that the Planning Board would be the recommending body, with the Town Council giving final approval. The state thinks that the Planning Board should approve the zone,

but Mr. Phillips believes that because of the Comprehensive Plan process, the Town Council may not agree to that. Dr. Benoit stated that unless the ability to approve is in the Planning Board's hands, it is not much different than the current zone change process. Dr. Benoit suggested setting up a workshop on this ordinance.

b. Section 6.12 ISDS Setback from Wetlands and Waterbodies

c. Section 6.21 Structure and Impervious Surface setback from Wetlands and Waterbodies

The Chair stated that RIDEM has set up public hearings on June 27 and 28, 2007 to discuss proposed significant changes to the state's septic system regulations that address technical issues regarding the siting and design of septic systems as well as administrative and procedural issues. He suggested waiting until these proposed changes are known before moving further with the changes to the North Smithfield ordinance. Mr. Phillips agreed that the Planning Board needs to look at those changes to make sure the town is in line with them, but that it doesn't change the basic premise of the ordinance as proposed. Some language may need to be changed.

Mr. Phillips also briefly reviewed minor changes in the draft of Section 6.12. Copies of the revisions were submitted to the Board. Section 6.21 Structure and Impervious Surface Setback was added as a stand-alone section, but is not new to the proposed ordinance.

Mr. Phillips stated that the Planning Board will have a workshop in July to make sure the town's proposed ordinance is in line with the state's proposed changes. Mr. Flaherty asked for a good final draft hard copy of the proposed ordinance for the July workshop. The Chair also asked for a copy of the DEM draft copy for the July workshop.

IV. McDonald's – Request for Recommendation on 24-Hour Store Operation

Location 6 Eddie Dowling Highway

Assessor's Plat 21 Lot 46

Zoning: Business High (BH)

Attorney Patrick Doherty was present for the applicant, Joseph Napoli, owner of McDonald's at 6 Eddie Dowling Highway. The applicant is requesting 24-hour operation of his business. The Town Council has asked for Planning Board recommendation.

Mr. Doherty stated that the McDonald's dining room would close at midnight, with the drive-thru only remaining open from midnight until morning. Mr. Doherty stated that the business has an unblemished record of operation, it is in a good location for 24-hour operation, and the applicant is willing to be subject to conditions, such as a 6-month review period.

The Board discussed their concerns, including safety of the employees and potential that the parking lot becomes a hangout. Mr. Napoli stated that no employees would be allowed to leave the building after the closing of the dining room at midnight. The Chair stated that since the dining room would not be open, the parking lot may not become a hangout, but did suggest that the business be monitored by police throughout the night. Mr. Napoli stated that he has had no problems at other 24-hour restaurants that he owns.

Dr. Benoit made a motion to send a favorable recommendation to the Town Council on 24-hour operation of McDonald's, with the stipulations that a 6-month review be conducted, that the police monitor the operation, and employees remain in the building in the overnight hours. Mr. Czyzewicz seconded the motion, with all members voting in favor. Motion passed 5-0.

V. Slatersville Mill—Site Plan Modification

Request to Remove Pedestrian Access @ Bridge

Mr. Flaherty recused himself because he is an abutter to the property.

Mr. Rossi recused himself due to past representation of the applicant.

Attorney Elizabeth Noonan addressed the Board for the applicant, requesting to modify the site plan for Slatersville Mill by removing a pedestrian access bridge. Ms. Noonan stated that as construction

has been underway, the applicant is finding that the second proposed pedestrian bridge is proving very difficult to construct. She stated that the conditions, including uncertain banks and soils were unforeseen at the time of the site plan approval. Ms. Noonan stated that the removal of this bridge does not alter the flow or access through the property and towards the water.

The Chair stated that he is very concerned that removal of the pedestrian bridge will result in pedestrians using the vehicle bridge for access. Most pedestrians will not walk further up to use the pedestrian bridge, when cutting across the vehicle bridge may be much faster. Mr. Czyzewicz, Mr. Magill, and Dr. Benoit agreed.

Rob Smedberg, engineer from VHB, also stated that the pedestrian bridge would be extremely difficult to construct as proposed on the approved plans.

The Board discussed access throughout the complex and safety concerns associated with removal of the pedestrian bridge. After discussion, the Board suggested that the applicant try to come up with some type of electronic sign or device that would permit pedestrian access on the vehicle bridge, without endangering pedestrians.

Mr. Magill stated that he is very concerned with the safety aspects of allowing pedestrian traffic on the vehicle bridge and that he will have

to be thoroughly convinced that their proposal will work. He also asked that when the applicant returns they clarify all pedestrian access throughout the complex, with all walkways clearly marked on the plans.

Dr. Benoit made a motion to continue the request to the July 19, 2007 meeting. Mr. Czyzewicz seconded the motion, with all members voting in favor.

VI. Review of Driveway Drainage Plan

Applicant: Connie Phillips

Location: 361 Grange Road

Assessor's Plat 15, Lot 257

Zoning: RA-65 (Agricultural Residential)

Mr. Phillips stated that no one was present to represent the owners of the property at 361 Grange Road. He stated that the Town Council has received many complaints of flooding at Grange Road and Rocky Hill Road. It seems that the driveway at this property is causing the flooding. The Public Works Director has inspected the property and a great deal of water is coming off site due to clearing of the lot. The gutter of the road does not allow water to shed off, which creates a ponding within the roadway, especially during thunderstorms.

The Town Council has recommended moving the driveway and will need to decide whether to go to court to force the issue. The drainage issue does need to be cleared up, but Mr. Phillips is not entirely convinced that moving the driveway will fix the problem.

The Board discussed the many problems associated with this property, many of them due to the construction not following the approved plans. The Chair asked if the town can request an as-built for the property. Mr. Phillips said that it can be requested, but the owner's do not have to provide it.

The Board asked that the Town Council be officially notified of the Planning Board's issues with this development. There have been issues with a wall, flooding, grading of the property, and earth-removal.

VII. Planning Issues & Concerns

Mr. Rossi informed the Board that Town Solicitor Mark Hadden had contacted him regarding the general agenda item of "Planning Board Issues & Concerns." Mr. Hadden advised Mr. Rossi that this item is too general to be placed on the agenda and does not meet Open Meetings Act guidelines. Items on the agenda must be specific so that the public can have adequate notice of what is discussed at the meetings. Mr. Rossi advised the Board that if they have specific

issues they would like to discuss at meetings, they should provide Mr. Phillips with these issues 48 hours in advance of a meeting so that they can be adequately publicized.

Mr. Rossi informed the Board that he has information regarding the litigation of Narragansett Improvement v. the Town of North Smithfield. Mr. Santa Anna made a motion that the Board go into executive session to discuss the litigation. Mr. Czyzewicz seconded the motion. Dr. Benoit left the meeting because he had been recused from earlier hearings on this application. All other members voted in favor of the motion.

Mr. Czyzewicz made a motion to adjourn the executive session at 9:15 pm. Mr. O'Donnell seconded the motion, with all in favor.

The Chair announced that no votes were taken during the executive session. Mr. Czyzewicz made a motion to adjourn at 9:17. Mr. O'Donnell seconded the motion, with all in favor.

Respectfully Submitted,

Angela Pugliese, Planning Board Secretary